

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 SUMIT GARG,

14 Defendant.

CASE NO. CR21-0045-JCC

ORDER

15 This matter comes before the Court on Defendant's self-styled "motion" in limine.<sup>1</sup> (Dkt.  
16 No. 679.) Defendant, in fact, petitions the Court to reconsider its previous denial of Defendant's  
17 motion to compel forensic tools. (See Dkt. No. 342.) Having thoroughly considered the parties'  
18 briefing and the relevant record, the Court hereby DENIES the reconsideration motion for the  
19 reasons explained herein.

20 Motions for reconsideration are generally disfavored. LCR 7(h)(1). Reconsideration is  
21 only appropriate where there is "manifest error in the prior ruling or a showing of new facts or  
22 legal authority which could not have been brought to [the Court's] attention earlier with  
23 reasonable diligence." *Id.* "A motion for reconsideration should not be used to ask the court to

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25 <sup>1</sup> Defendant's self-styled "motion in limine" is, in fact, a motion for reconsideration of this  
26 Court's previous denial of his motion to compel forensic tools. (Dkt. No. 342.) The Court  
reviews Defendant's motion for reconsideration on the merits.

1 rethink what the court had already thought through—rightly or wrongly.” *Ma v. Univ. of S.*  
 2 *California*, 2019 WL 1239269, slip op. at 1 (W.D. Wash. 2019).

3 Here, Defendant’s motion represents his latest effort at compelling discovery that this  
 4 Court has repeatedly denied. (See Dkt. Nos. 192, 241, 242, 342.) Indeed, Defendant Garg first  
 5 sought to compel the forensic tools at issue in his Second Omnibus Motion, where he requested  
 6 “the court to order the government to install all necessary software tools including but not  
 7 limited to Microsoft Office, VLC Media Player, and audio/video editing software.” (See Dkt. No.  
 8 176.) The Court denied Defendant’s request because of the security concerns posed by affording  
 9 the Defendant unfettered access to such software. (Dkt. No. 192.) Defendant subsequently filed a  
 10 motion requesting the same forensic software. (Dkt. No. 228.) There, too, the Court denied  
 11 Defendant’s motion to compel, noting that “Defendant will not be deprived of the right to  
 12 adequately prepare his defense without direct access to the requested software.” (Dkt. No. 242.)  
 13 Despite its second ruling on the matter, Defendant filed yet another motion complaining about  
 14 the Court’s “capricious exclusion[ary]” rulings and demanding production of “technical  
 15 evidence” discovery. (See Dkt. No. 556.) This matter now comes before the Court on  
 16 Defendant’s fourth attempt at compelling discovery that this Court previously denied. (Dkt. No.  
 17 679.)

18 A motion for reconsideration should not be used to ask the court to rethink what the court  
 19 has already thought through. *Ma v. Univ. of S. California* (2019). In making its prior  
 20 determinations, the Court noted that Defendant should have access to the extraction reports  
 21 provided by the Government. If he wishes to examine the complete forensic images of each  
 22 device, the Government has indicated a willingness to provide those images. Defendant will,  
 23 however, need to rely on a computer expert to help review the images.

24 Accordingly, his request for reconsideration is DENIED.

DATED this 8th day of September 2023.

John C. Conneran

John C. Coughenour  
UNITED STATES DISTRICT JUDGE